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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,387	10/21/1999	MOSHE ZILBERSTEIN	2559/1F420-U	5469

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DARBY & DARBY
805 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER	
DINH, KHANH Q	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/422,387	ZILBERSTEIN ET AL.	
	Examiner	Art Unit	
	Khanh Dinh	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/23/04*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-11,14,15 and 20-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-11,14,15 and 20-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Transitional After Final Practice

1. Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Claims 7-11, 14, 15, 20-26 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 7-11, 14, 15 and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyer et al. (hereafter Hoyer), U.S. Pat. No.6,381,635 in view of Smith et al. (hereafter Smith), U.S. pat. No.6,578,078.

As to claim 7, Hoyer discloses a method for providing usage information of a first web site designated by a user (210 fig.3) (a system for screening Internet usage), the method comprising:

receiving, from the user (210 fig.3), a designation of the first web site as a monitored website (viewing the performance of monitored web sties, see col.10 lines 44-65), wherein the monitored website is any web site on a communication network (see figs. 3, 4, abstract, col.8 line 52 to col.9 line 33 and col.10 lines 45-65).

monitoring usage of the monitored website (performance monitoring) and transmitting data representative of the usage (performance data measurements) to the user by way of a monitor window (display 34 fig.1) to the user (210 fig.3) (see col.10 line 45 to col.11 line 51).

Hoyer does not specifically disclose transferring data to user when user connected to other web sites. However, Smith in the same usage monitoring environment discloses transferring data to user when user connected to other web sites (when user to connect to a web server requesting for a resource, the server looks up the location in the table and forward a copy of a resource to the client (see Smith's col.11 line 13 line 13 to col.12 line 35 and col.12 lines 36-67). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Smith's teachings into the computer system of Hoyer to process data

information in the internet because it would have enabled users to easily retrieve web pages and resource information from web servers at a desired location in a communications network.

As to claims 8 and 9, Hoyer discloses displaying to the user the usage information in a graphical format and in a text format (documents providing to user are written in HTML, see col.6 lines 20-45 and col.7 lines 22-65).

As to claims 10 and 11, Hoyer discloses the usage information is displayed automatically to the user and displayed only upon a command generated by the user (users clicks buttons to get access to usage information, see fig.7, col.18 lines 17-40).

As to claim 14, Hoyer discloses a computer-readable medium encoded with processing instructions for implementing a method for providing usage information of a first web site (monitored web site) designated by a user (210 fig.3) (a system for screening Internet usage), the method comprising:

receiving, from the user, a designation of the first web page as a monitored website (monitored web site) viewing the performance of monitored web sties, see col.10 lines 44-65) wherein the monitored website is any web site on a communication network (see figs. 3, 4, abstract, col.8 line 52 to col.9 line 33 and col.10 lines 45-65).

monitoring usage of the monitored website and transmitting data representative of the usage to the user by way of a monitor window (display 34 fig.1) to the user (210 fig.3) (see col.10 line 45 to col.11 line 51).

Hoyer does not specifically disclose transferring data to user when user connected to other web sites. However, Smith in the same usage monitoring environment discloses transferring data to user when user connected to other web sites (when user to connect to a web server requesting for a resource, the server looks up the location in the table and forward a copy of a resource to the user (see col.11 line 13 line 13 to col.12 line 35 and col.12 lines 36-67). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Smith's teachings into the computer system of Hoyer to process data information in the internet because it would have enabled users to easily retrieve web pages and resource information from web servers at a desired location in a communications network.

As to claim 15, Hoyer discloses an apparatus for providing usage information of a first web site (monitored web site) designated by a user (210 fig.3) (a system for screening Internet usage):

a processor and a memory storing instruction for controlling the processor, the processor operative with the processing instructions to:

receive, from the user (210 fig.3), a designation of the first web page as a monitored website (monitored web site) viewing the performance of monitored web sties (monitored web sites), wherein the monitored website is any web site on a

communication network (see figs. 3, 4, abstract, col.8 line 52 to col.9 line 33 and col.10 lines 45-65).

monitoring usage of the monitored website and transmitting data representative of the usage to the user by way of a monitor window (display 34 fig.1) to the user (210 fig.3) (see col.10 line 45 to col.11 line 51).

Hoyer does not specifically disclose transferring data to user when user connected to other web sites. However, Smith in the same usage monitoring environment discloses transferring data to user when user connected to other web sites (i.e., when user to connect to a web server requesting for a resource, the server looks up the location in the table and forward a copy of a resource to the user, see col.11 line 13 line 13 to col.12 line 35 and col.12 lines 36-67). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Smith's teachings into the computer system of Hoyer to process data information in the internet because it would have enabled users to easily retrieve web pages and resource information from web servers at a desired location in a communications network.

As to claim 20, Hoyer discloses an indication of a most-popular next-visited web site for the plurality of users, an indication of web sites visited by the plurality of users prior to visiting the first web site and an indication of when and for how long the plurality of users visited the first web site (using server history and cluster history, see fig.4, col.7 lines 9-65 and col.10 line 45 to col.11 line 62).

As to claim 21, Hoyer discloses a method for providing usage information of a first web site designated by a first user, the method comprising:

receiving, from the first user (210 fig.3), a designation of the first web site as a monitored website (monitored web site), wherein the monitored website is any web site on a communication network see figs. 3, 4, abstract, col.8 line 52 to col.9 line 33 and col.10 lines 45-65).

monitoring at least one other user's usage of the monitored website and transmitting data representative (user's usage information) of the at least one other user's usage to the first user by way of a monitor window (display 34 fig.1) to the user (210 fig.3) (see col.10 line 45 to col.11 line 51).

Hoyer does not specifically disclose transferring data to a user when user connected to other web sites. However, Smith in the same usage monitoring environment discloses transferring data to user when user connected to other web sites (when users to connect to a web server requesting for a resource, the server looks up the location in the table and forward a copy of a resource to the users, see col.11 line 13 line 13 to col.12 line 35 and col.12 lines 36-67). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Smith's teachings into the computer system of Hoyer to process data information in the internet because it would have enabled users to easily retrieve web pages and resource information from web servers at a desired location in a communications network.

Claims 22-26 are rejected for the same reasons set forth in claims 8-11 and 20 respectively.

Response to Arguments

4. Applicant's arguments filed on 12/23/2004 have been fully considered but they are not persuasive.

- Applicant asserts that the combination of Hoyer and Smith reference does not discloses nor suggests "transmitting usage data representative to the user while connected to any other website by a way of monitor window" and does not result in the invention of the present claims.

Examiner respectfully disagrees. The combination of Hoyer and Smith does disclose the applicant claimed invention as "transmitting usage data representative to the user while connected to any other website by a way of monitor window". Taking claim 7 for example, Hoyer discloses a method for providing usage information of a first web site designated by a user (210 fig.3) (a system for screening Internet usage) including steps of: receiving, from the user (210 fig.3), a designation of the first web site as a monitored website (viewing the performance of monitored web sties, see col.10 lines 44-65), wherein the monitored website is any web site on a communication network (see figs. 3, 4, abstract, col.8 line 52 to col.9 line 33 and col.10 lines 45-65) and monitoring usage of the monitored website (performance monitoring) and transmitting data representative of the usage (using performance data measurements for calculating capacity measurements for a set of web servers) to the user by way of a monitor

window (display 34 fig.1) to the user (210 fig.3) (offering several views of the performance of the monitored web sites and displaying a setting view to clients, see col.10 line 45 to col.11 line 51). Hoyer does not specifically disclose transferring data to a user when user connected to other web sites. However, Smith in the same usage monitoring environment discloses transferring data to user when user connected to other web sites (when users to connect to a web server requesting for a resource, the server looks up the location in the table and forward a copy of a resource to the users (see col.11 line 13 line 13 to col.12 line 35 and col.12 lines 36-67). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Smith's teachings into the computer system of Hoyer to process data information in the internet because it would have enabled users to easily retrieve web pages and resource information from web servers at a desired location in a communications network. This is equivalent to what is claimed.

* Applicant asserts that there is no suggestion to combine the references of Hoyer and Smith.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Smith's teachings into the computer system of Hoyer to process data information in the internet because it would have enabled users to easily retrieve web pages and resource information from web servers at a desired location in a communications network.

Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 7, 14, 15 and 21. Claims 8—11, 20 and 22-26 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action [mailed on 9/27/2004]. Accordingly, claims 7-11, 14, 15 and 20-26 are respectfully rejected.

Conclusion

5. Claims 7-11, 14, 15 and 20-26 are rejected.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh

Khanh Dinh
Patent Examiner
Art Unit 2151
5/27/2005